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7 Attorneys for the United States

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA) No. CR 11-0166 RS
v.)
CHIEN CHUNG CHEN,) STIPULATION AND [PROPOSED]
a/k/a ANDREW CHEN,) ORDER TO CONTINUE
Defendant.) SENTENCING HEARING

19 The defendant Chien Chung Chen, a/k/a Andrew Chen, was charged by Information on
20 March 22, 2011 with one count of violation of the Sherman Antitrust Act, 15 U.S.C. § 1. Mr.
21 Chen was charged for his participation in a price-fixing conspiracy involving aftermarket auto
22 lights. The Honorable Richard Seeborg accepted Mr. Chen's guilty plea on June 7, 2011, and
23 Mr. Chen is currently scheduled to be sentenced on December 13, 2011 at 2:30 p.m.

24 Attorneys for the United States and for Mr. Chen have conferred and have agreed to
25 continue Mr. Chen's sentencing hearing until July 17, 2012 at 2:30 p.m. Under Mr. Chen's
26 plea agreement, which is pursuant to Fed. R. Crim. P. 11(c)(1)(B), Mr. Chen is obligated to
27 continue to cooperate with the government's ongoing investigation and prosecution relating to
28 price-fixing in the aftermarket auto lights industry. Under Mr. Chen's plea agreement, the

1 United States may move for a downward departure pursuant to U.S.S.G. §5K1.1 if the United
2 States determines that Mr. Chen has provided substantial assistance in any investigations or
3 prosecutions.

4 The government's investigation of price-fixing in the aftermarket auto lights industry
5 is ongoing and one defendant and co-conspirator, Homy Hong-Ming Hsu, awaits trial
6 scheduled to begin on March 5, 2012 (*United States v. Homy Hong-Ming Hsu*, CR 11-0488
7 RS, Indictment filed July 19, 2011). Postponing Mr. Chen's sentencing hearing from
8 December 13, 2011 to July 16, 2012 will allow the United States to fully evaluate and advise
9 the Court as to Mr. Chen's cooperation and substantial assistance.

10 Pursuant to Crim. L.R. 32-2(a)(2) and (3), the parties have conferred with United
11 States Probation Officer Cheryl L. Simone, who is assigned to this case, and with Courtroom
12 Deputy Corrine Lew. Ms. Simone agrees to this continuance and is available on July 17,
13 2012. Ms. Lew has advised that July 17, 2012 is available on Judge Seeborg's calendar.

14

15 **SO STIPULATED.**

16 Dated: 9/22/11



17
18 Jacklin Chou Lem
19 May Lee Heye
20 Howard J. Parker
21 Kelsey C. Linnett
22 Attorneys
23 U.S. Department of Justice
24 Antitrust Division

25 Dated: September 22, 2011

26 /s/
27 Douglas M. Fuchs
28 Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, CA 90071
Counsel for Andrew Chen

1 **[PROPOSED] ORDER**

2 For good cause shown, sentencing in the matter, *United States v. Chien Chung Chen*
3 *a/k/a Andrew Chen*, CR 11-166 RS, is continued to July 17, 2012 at 2:30 p.m.

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5 **SO ORDERED.**

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8 Dated: 9/22/11

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Honorable Richard Seeborg
United States District Court Judge